

Millennium Technology Inc.

5107 Avenue H

Brooklyn NY 11234

P-973-390-1329

F-718-209-1807

sam@millenniumtechinc.com

To: Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

445 12th Street, SW

Washington, DC 20554

From: Millennium Technology Inc.

Samuel Ellenberg

Spin: 143034969

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request for Review

FRN 2185722

471 # 805952

Entity: 16062430.

Introduction and Background

In July of 2014 we installed and fully set up a network including a DNS server in GESHERHA TORAH DAY SCHOOL. The network supported all class rooms. Because the school did not have any available room in their building the main server and Firewall was installed in the main office.

USAC Decision and Appeal

In a letter dated 05/09/2016 we were notified by USAC that they will seek to recover "improperly disbursed funds. The letter stated the following: *During a Payment Quality*

Assurance (PQA) review, it has been determined that funds were improperly disbursed for this funding request. The equipment for which you requested discounts has not been utilized in accordance with program rules. FCC rules require that applicant have secured all the necessary resources to make effective use of the equipment and the equipment is utilized for an educational purpose. Dell PowerEdge 710 - \$15750.00 , Dell UPS 3750W- 4U- \$2, 655.00, Sonic Wall NSA 2400 - \$3,870.00 and Cat6 NonBoot Patch Cable - \$15.13 13 was located in the Main Office and was not installed, hooked up or in use . Since a review has revealed that equipment has not been utilized according to program rules USAC will seek recovery of all funds improperly disbursed that are associated with the equipment not being utilized. Accordingly, USAC will seek recovery of \$21,554.80 of improperly disbursed funds from the applicant.

We appealed this decision directly with USAC; as we explained that although the above equipment was located in the main office it was nevertheless fully installed and set up. The server and firewall was supporting all of the school's classrooms that were connected to the server. The reason that the equipment was located in the main office was because, at that time, the school did not have available any other space to be used a server room.

USAC also stated the following:

During a payment Quality Assurance (PQA) review, it was determined that the technology plan did not cover the entire funding year for this funding request. Program rules require that a technology plan be effective during the entire funding year in which the applicant is seeking support for services other than basic telecommunication service. On the Form 486 it was indicated that the services for FRN 2185722 began on 07/01/2011. Additionally, your Form 471 indicated 06/30/2012 as a Service End Date for this FRN. During the course of review it was discovered that your technology plan became effective on 7/30/2011 which was after the date your services commenced for this FRN. Therefore, USAC will seek recovery of improperly disbursed funds for this FRN from the applicant in the amount of \$1,873.47 for the part of the funding year not covered with the technology plan.

We appealed this decision with USAC; that although on the 486 the SSD was entered as 07/01/2011 the service did not start till much later as the supported by service certification that the school had to submit during the invoice process.

On August 17, 2016 we received an Administrator's Decision on Appeal denying our appeal without addressing any of our points that we made during our USAC appeal.

Conclusion

We are appealing this decision as all the equipment was fully set up and utilized for educational purposes. We would also like to mention that based on the information we received from the school at the time of the USAC inspection, the inspectors didn't even attempt to log in to the server.

We are including all above mentioned correspondence.

We appreciate this opportunity.



Samuel Ellenberg, President